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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,947	02/14/2001	X. Shawn Yu	Haworth Case 313	2331

7590 08/08/2002

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/782,947	YU ET AL.
	Examiner Phi D A	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 February 2001.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 10-14 is/are allowed.

6) Claim(s) 1-3,7-9 and 15-17 is/are rejected.

7) Claim(s) 4-6 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4-5</u> .	6) <input type="checkbox"/> Other: _____ .

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Militzer (5094053) in view of Sykes (5524402).

Militzer shows a space-dividing wall panel assembly having an open frame defined by a pair of upright and laterally-spaced vertically elongate support members (11), a pair of cover members (21, 20) disposed in opposed relation with one another so as to overlie open areas of the frame between the support members, the cover members defining vertical side surfaces of the wall assembly, an elongate top cap (27) positioned longitudinally along an upper one of the panel, the top cap having an upper portion which defines therein a longitudinally extending and outwardly opening groove (26) and a lower portion which projects downwardly between upper edges of the opposed cover members, a bracket (35, 34) slidably engaged within the groove of the top cap, the groove being T-shaped in cross section, the bracket overlying a portion of the vertical side surface of a respective cover member, said bracket having a lower end in supportive engagement with a lower one of the cross members (figure 2, 27 at the bottom) and mounting thereon a furniture component (10'')/accessory.

Militzer does not show the vertical support members being connected by vertically spaced cross members extending laterally between the support members.

Sykes (figure 2) shows vertical support members being connected by vertically spaced cross members (114, 132) extending laterally between the support members.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Militzer to show the vertical support members being connected by vertically spaced cross members extending laterally between the support members because having horizontal supports connecting the vertical supports is well-known in the art as it provides for a strong rigid partition structure.

Per claim 7, Militzer as modified shows the upper portion of the top cap member shows a generally hollow interior (inherently so with the elongated hollow channel), the lower portion projects downwardly from a bottom wall of the upper portion for engagement to the upper cross member.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Militzer (5094053) in view of Sykes (5524402) as applied to claim 1 above, and further in view of Morrison (4567698).

Militzer as modified by Sykes shows all the claimed limitations except for a lower elongate mounting rail secured to the panel assembly along a lower edge thereof and defining a longitudinally extending and sidewardly opening groove therein, a lower bracket slidably engaged within said groove of the mounting rail, a connector post having an upper end secured to the upper bracket and a lower end connected to the lower bracket for mounting a return wall in transverse relation to the panel assembly.

Morrison (figure 5) shows a lower elongate mounting (23) secured to the panel assembly along a lower edge thereof and defining a longitudinally extending and sidewardly opening

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groove therein, a lower bracket (46) slidably engaged within the groove of the mounting rail, a connector post (45) having an upper end secured to the upper bracket and a lower end connected to the lower bracket for mounting a return wall in transverse relation to the panel assembly.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Militzer's modified structure to show a lower elongate mounting rail secured to the panel assembly along a lower edge thereof and defining a longitudinally extending and sidewardly opening groove therein, a lower bracket slidably engaged within said groove of the mounting rail, a connector post having an upper end secured to the upper bracket and a lower end connected to the lower bracket for mounting a return wall in transverse relation to the panel assembly because it would enable easy mounting of the transverse panel to the panel assembly.

4. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Militzer (5094053) in view of Sykes (5524402) as applied to claim 1 above, and further in view of DeRuiter et al (6418671).

Militzer as modified by Sykes shows all the claimed limitations except for the bracket having a lower end defining a flange thereon which projects inwardly between the lower edge of the upper panel and the upper edge of the lower panel.

DeRuiter et al (figure 2) shows a bracket having a lower end defining a flange thereon which projects inwardly between the lower edge of the upper panel and the upper edge of the lower panel (40).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Militzer's modified structure to show the bracket having a lower end defining a flange thereon which projects inwardly between the lower edge of the upper panel and

the upper edge of the lower panel because it is a matter of design choice to mount a supporting bracket between the edges of cover panels on a supporting structure as long as it provides the needed function of supporting an attached structure.

Per claim 16, Militzer as modified shows the flange having a sidewardly projecting tab which engages within a recess defined in a rear wall of the accessory and a lower flange disposed in supportive engagement with the lower wall of the accessory.

Per claim 17, Militzer as modified shows the lower frame member having a horizontally extending and sidewardly opening elongate groove with the flange engaging the groove of the frame member.

***Allowable Subject Matter***

5. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 10-14 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: prior art does not show a mounting member which engages the lower portion of the top cap and clampingly engages the upper cross member from opposite outwardly facing sides thereof in combination with other claimed limitations.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different partition structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Phi Dieu Tran A  
August 1, 2002